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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 08, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VIJUVE INC., a Florida corporation,

Plaintiff,

v.

KASPIEN INC., a Washington
corporation,

Defendant.

No. 2:21-CV-00192-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration of Summary Judgment Order, ECF No. 133. Defendant is represented by Charles Hausberg and Kelly E. Konkright. Plaintiff is represented by Constance Proctor and Edward Redmond.

Reconsideration is an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enter., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation omitted). A motion for reconsideration may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. Acands, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). "A district court may properly reconsider its decision if it '(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in

ORDER DENYING MOTION FOR RECONSIDERATION # 1

1 controlling law.”” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir.
2 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263). “There may also be other, highly
3 unusual, circumstances warranting reconsideration.” *Sch. Dist. No. 1J*, 5 F.3d at
4 1263. Whether to grant a motion for reconsideration is within the sound discretion
5 of the court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima*
6 *Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003) (citing *Kona Enter., Inc.*, 229 F.3d
7 877, 883 (9th Cir. 2000)).

8 Plaintiff does not meet the standard for reconsideration outlined in case law.
9 At present, there is no: (1) newly discovered evidence; (2) clear error or evidence
10 the initial decision was manifestly unjust, or; (3) intervening change in controlling
11 law. Therefore, the motion is denied.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Plaintiff’s Motion for Reconsideration of Summary Judgment Order,
14 ECF No. 133, is **DENIED**.

15 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
16 this Order and provide copies to counsel.

17 **DATED** this 8th day of August 2023.



21 A handwritten signature in blue ink, appearing to read "Stanley A. Bastian".
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23 Stanley A. Bastian
24 Chief United States District Judge
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